

December 14, 1967

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of the jail to which the pickers had been taken.

3. That the Newark Legal Services Project utilized funds granted to it by the Federal Government to provide bail for rioters arrested in the course of the riot.

4. That circulars were distributed requesting negroes to preserve evidence of police destruction.

5. That the riot resulted from a "conspiracy" and that the Newark Legal Services Project was guilty of "adding fuel to the flames that were ignited by the conspirators", including "asking that complaints be made against police officers". This charge was ascribed by the press to a representative of the Newark Police Benevolent Association.

6. That personnel of an Anti-Poverty Agency, including a Legal Services Agency, advised and counselled participants in the riot and encouraged such participants to engage in violent activities.

It appears that on April 1, 1967, attorneys attached to the Newark Legal Services Project received a request to assist picketers who had been arrested at the Clinton Hill Meat Market where they had assembled to protest alleged price gouging. Mr. Sidney Reitman, Esq., a private attorney and General Counsel of the United Community Corporation, was advised of these circumstances and the release of the picketers in his custody was obtained late the same day.

Apparently, the picketers determined thereafter to continue peaceful picketing and advised counsel of the Newark Legal Services Project of their intention to conduct such picketing and of their apprehension that they might be arrested. They requested that counsel be held on call to assist them in the event of such further arrests. Accordingly, three attorneys of the Newark Legal Services Project appeared in the vicinity of the Clinton Hill Meat Market on Sunday, April 2nd, to observe the situation. They did not, however, participate in any other way, either to advise the picketers or to participate in their activities. No further arrests were made by the police on that date.

A suit is now pending in the United States District Court for the District of New Jersey in the matter of Robert Curvin, et al., against Dominick Spina, individually, and as Police Commissioner of the City of Newark, et al., Docket No. 396-67, to test the constitutionality of the ordinance under which the picketers were arrested, requiring persons ordered to move on by the police to do so and authorizing the arrest of those refusing to obey such an order. The attorneys of record in this case include attorneys on the staff of the Newark Legal Services Project as well as other attorneys.

Insofar as the Committee has been able to obtain information concerning these incidents, there appears to be no basis for any charge that Legal Services personnel advised the picketers to initiate picketing activities or aided or abetted them in any way or participated in any picketing either at the Clinton Hill Meat Market or at the Police Station. This Committee is entirely satisfied that it was the obligation of the Newark Legal Services Project to provide legal advice for the picketers following their arrest and to prosecute any litigation which may be required to test the validity of the ordinance in question. Indeed, it is the objective of the Economic Opportunity Act to provide legal counsel for the disadvantaged to assist in any lawful way to eliminate price gouging or other over-reaching tactics in the private or public sector which might affect the rights of the poor.

The Committee is informed that no federal funds and no private funds contributed to the Newark Legal Services Project were used or authorized to be used to provide bail for persons arrested during the riots but that private contributors, desirous of alleviating hardship situations which resulted from the

arrest of large numbers of participants in the riots, established a special trust fund for that purpose. The use of the fund was administered by an assistant dean of Rutgers Law School under arrangements worked out with the court. For convenience the specially contributed funds were deposited in an NLSP bank account for NLSP but were treated separately from the Project's own funds. We have been unable to uncover any evidence substantiating the charge that funds originating from the Federal Government were used to provide bail.

It appears that literature requesting reports of the destruction of property by the police was circulated by the American Civil Liberties Union. Since this group is a private agency, its activities are beyond the scope of this investigation. There is no evidence that such circulars were put out by any O.E.O. or Bar Sponsored Legal Service System. Nevertheless, no impropriety in the solicitation of this information suggests itself to the Committee.

So far as the Committee has been able to determine, the first participation of any representative of a Legal Service System in the Newark disorders occurred on July 12, 1967, when Mr. Oliver Lofton, Esq., Administrator of the Newark Legal Services Project, was informed of difficulties which were then occurring at the Fourth Precinct of the Newark Police Department. Mr. Lofton and other representatives of the United Community Corporation thereupon went to the Fourth Precinct and found approximately 150 people milling outside, where some were preventing the police from transporting a Mr. John Smith, a Newark cab-driver, to the Newark City Hospital for treatment of injuries sustained during the course of his arrest by the police.

The crowd apparently was expressing apprehension that Mr. Smith would never reach the hospital because of an allegation that he had previously been beaten by the police and might suffer subsequent injury. Mr. Lofton's participation in the incident at this point was limited to calming the apprehensions of all concerned and assuring the assemblage that the Newark Legal Service Project would make all fourteen of its lawyers available to represent the cab-driver to assure his proper legal protection.

After the rioting had commenced the Newark Legal Services Project began to receive a flood of inquiries from the families of people who had been arrested during the disturbances, seeking assistance in trying to locate relatives or to provide legal representation for them. The entire resources of the Newark Legal Services Project and of the Public Defender of the State of New Jersey and Mr. Howard H. Kestin, Director, Legal Services of the Office of Economic Opportunity, were thereafter marshalled to provide legal services for those persons who had been arrested in the course of the riots. All of the O.E.O. Legal Service Projects in the northern half of the State, except one, volunteered their complete resources to the Newark Legal Services Project and the Public Defender in aid of their functions in this most emergent situation. These services consisted in appearances at arraignments, obtaining of bail reductions for prisoners, organization of a Release on Recognizance Program, arrangements for interviewing persons under arrest relative to their requirements and release and processing of complaints from citizens in the riot area. These complaints began to be received at the Administrative Offices of the Legal Services Project in great volume and dealt primarily with reports of alleged unprovoked violence against the persons and property of negroes by police officers.

It seems quite clear that in every instance the personnel of the Legal Service Projects sought to caution these excited people not to resort to self-help, but rather to utilize the assistance of the Legal Service Agency in

recording statements, so that Legal processes could be utilized to help the complainants and to vindicate any rights to which they ought to be entitled.

There is, of course, no doubt that the situation during the height of these disturbances was extremely tense and that all participants in the incidents, on both sides, were apprehensive and excited. Without expressing any comment concerning the merits of the complaints which were made to the Legal Service officers, the Committee is aware that these complaints fell generally into four categories:

1. Gross personal abuse.
2. Physical violence.
3. Unprovoked and indiscriminate firing of weapons at people and apartments.
4. Deliberate destruction of the business property of negroes.

The Newark Legal Services Project has adopted the official position that all of its resources should be made available to people complaining of such conduct so that all citizens will receive protection from unlawful conduct, whether by law enforcement personnel or others. We are advised that the Newark Legal Services Project has referred some of the complaints which it received to the prosecuting authorities, has advised some individuals that they may have civil causes of action, joined in a proceeding in the Federal Court seeking equitable relief, and assembled its data for study by the President's Commission and the Governor's Commission. The attorneys actually handling these cases must determine as a matter of professional judgment what remedies to pursue, and it is not within the scope of this Committee's responsibility to make any judgment as to the particular remedies selected. This Committee fully concurs, however, in the policy decision by the Newark Legal Services Project that it has a duty to seek effective remedies for complaints of this nature where it properly is required to represent clients seeking assistance. A project committed to law and order could adopt no other course.

We are informed that to the present date the officers of the Newark Legal Services Project have received, reviewed and analyzed 274 statements and affidavits dealing with such charges. Even if all of them were without merit, it was necessary that they be received and processed.

We have been unable to substantiate any of the allegations of unlawful or inappropriate action by the Newark Legal Service Project, including the charge that it solicited complaints against police officers. Although some police officials may have believed that reception by NLSP of complaints against the police constituted advocacy that such complaints be made, the circumstances which our investigation revealed do not in any sense justify the charges. It was the obligation of NLSP to receive and process these complaints just as it was the duty of the police to preserve law and order.

The records do disclose certain criticisms of the Police and City officials by O.E.O. Agencies, and officials of Legal Service Projects, including the charge that some of these officials did not fully recognize the implications of the events which triggered the disturbances and do not fully understand appropriate steps which must be undertaken to prevent recurrences. The Committee is not concerned with the merits of such criticism but does appreciate that any agency entrusted with the responsibility of providing legal services for the disadvantaged, must concern itself with ultimate issues as well as with the mere technical problem of representation of accused persons.

A telegram from Sargent Shriver, Director of O.E.O., to all Regional Directors, dated July 20, 1967, states: "Lest there be any misunderstanding about what O.E.O. policy has been and continues to be, let me make it

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unmistakably clear once again. There will be absolute insistence that every O.E.O. employee and employee of an O.E.O. grantee scrupulously avoid and resist participation by O.E.O. funded resources in any activities which threaten public order in any community. I shall insist upon immediate and full penalties for any individuals found guilty of wrong behavior in this connection. Furthermore, I shall insist upon the withholding of O.E.O. funds from any grantee or delegate agency which is shown to be encouraging or tolerating such behavior."

This Committee believes that the New Jersey State Bar Association takes the same position with regard to Legal Service Agencies in which the organized Bar participates.

## CONCLUSIONS

1. We can find no credible evidence that any Legal Service System, or any lawyer or other employee of such a system, advised, counseled, aided or abetted in the conduct or instigation of the riots.

2. On the contrary, all of the evidence seems to establish beyond any reason for doubt that these agencies and individuals did everything within their power to discourage and avoid violence and to convince those who participated in the riots that their best protection lay in reliance on legal process.

3. This report is not intended to criticize the activities of any law enforcement agencies, who obviously were confronted with a major crisis, or to condone the conduct of those who participated in the riot.

4. The legal profession, including the Public Defender, the Director of Legal Services of the O. E. O. for New Jersey, the Officers and Staff of the Newark Legal Services Project, and all of the other Legal Service Systems and private attorneys who volunteered their assistance in the emergency, worked tirelessly to provide legal services for all who needed and qualified for help. This duty imposed a tremendous burden upon the Bar which was faithfully and creditably discharged in the best tradition of the legal profession.

Respectfully submitted.

COMMITTEE ON LAW AND POVERTY OF THE  
NEW JERSEY BAR ASSOCIATION.

Attest:

EMANUEL A. HONIG,  
Chairman.

(Mr. THOMPSON of New Jersey (at the request of Mr. CONYERS) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. THOMPSON of New Jersey's remarks will appear hereafter in the Appendix.]

**ABM**

## ANTI-BALLISTIC-MISSILE SYSTEM

(Mr. COHELAN (at the request of Mr. CONYERS) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. COHELAN. Mr. Speaker, on September 18 of this year Secretary McNamara announced the decision of the administration to deploy a so-called light antiballistic missile defense system. This system is to be designed as proof against a limited attack from Communist China but it will not be effective against an attack from a major nuclear power like the Soviet Union.

This antimissile defense system initially will cost \$5,000 million to \$10,000 million to build and another several

hundred million each year to operate and maintain.

This missile defense will have the necessary consequence of escalating the nuclear arms race.

This decision has given rise to surprisingly and frighteningly little public discussion. However, in this discussion some very highly regarded and able authorities have expressed their considered view that deployment of this antimissile defense is a mistake. One such expert is Dr. Jerome Wiesner, of the Massachusetts Institute of Technology and formerly a Special Assistant to the President for Science and Technology, and a member of the President's Science Advisory Committee and a consultant to the Defense Department.

In a recent article in Look magazine, Dr. Wiesner states flatly that he does not think that we should deploy an antimissile defense at this time.

Dr. Wiesner outlines the technical, psychological, and political reasons which have lead him to his conclusion. He makes a most persuasive and interesting case.

I would like, in the interest of heightened public debate, to insert in the RECORD the article by Dr. Wiesner and to urge my colleagues and the readers of the RECORD to take the time to read this piece on this most vital subject by this most distinguished man:

## THE CASE AGAINST AN ANTI-BALLISTIC-MISSILE SYSTEM

(By Dr. Jerome B. Wiesner, provost, Massachusetts Institute of Technology; Special Assistant to the President for Science and Technology, 1961-64; longtime member, President's Science Advisory Committee and consultant to the Department of Defense on military technology)

When China exploded a hydrogen bomb, waves of concern spread around the world. Renewed calls were raised in the United States for a defense that would protect us from Chinese nuclear ballistic missiles. These calls have now been heeded by President Johnson. Scientists agree that neither the United States nor the Soviet Union can protect itself completely from a nuclear attack by the other. But as long as Communist China's primitive missile force is very small, some protection can be achieved—and this is what the President has decided to buy. Because he couldn't persuade the Russians to consider limitations on missile defenses, the President has now ordered the building of a "thin" defensive system to protect us from the Chinese. The logic of the President's decision seems mighty tortured.

The word in Washington is that President Johnson was forced to bend under the pressure of the military, congressional and industrial sponsors of the antiballistic-missile system. Enormous pressure certainly existed, but such pressure on a President to build a missile-defense system is not new. Both President Eisenhower and President Kennedy were exposed to it. One of the most difficult decisions President Kennedy had to make concerned the Nike-Zeus missile-defense system. The pressures on him were tremendous, but after long, careful study, he decided, on technical grounds, not to build the Nike-Zeus. Today, we know that to have built that system would have wasted between \$20 and \$30 billion. It would have been already obsolete. I am certain that the system we are now planning will be regarded as ineffective before it is installed.

Secretary of Defense McNamara estimates that the United States could build an ABM system (for between \$3 and \$6 billion) that

would provide a reasonably effective defense against Chinese ballistic missiles—for 10 to 15 years. But he concedes that such a system would do us little good against an attack by the Russians. Even if the thin ABM system is as effective as the Secretary of Defense says—and I strongly question this—should we take the portentous step of deploying an ABM system for protection against Red China? I think we should not.

In his long statement announcing the President's decision to build an anti-Chinese ABM system, Secretary McNamara concludes that the arguments marginally support its construction. This is obviously a matter of judgment. I think the arguments are overwhelmingly against building it. In fact, I believe that this decision could be as wrong and have as serious domestic and international consequences as the disastrous conclusion six years ago that a few military advisers and some weapons would lead to an early victory for South Vietnam's forces.

In the late 1950's, the United States first began to examine the problem of defense against ballistic missiles. At that time, the only useful concept involved low-altitude interceptor missiles armed with nuclear weapons. The idea was that radars would track an incoming enemy missile and guide our "antimissile missile" near enough so that the nuclear warhead, exploded at the right time, would destroy the enemy missile. One defensive rocket would be fired against each incoming object. But an enemy could easily confuse the radars—by including along with the real nuclear warheads high-altitude "decoys," such as lightweight metallic balloons. Since decoys break up or slow down when they hit the earth's atmosphere, we hoped that by waiting, we could pick out the real warheads and launch a defensive attack. The antimissile missiles would have to be placed near each city to be defended, and the tremendous heat and blast caused by the explosion of the defensive warheads, low over the cities, could inflict terrible civilian casualties. It was possible that such a defensive system would do as much damage as enemy warheads. The Nike-Zeus plans, therefore, included a major fallout-shelter program.

During the past two years, it has appeared feasible to build high-altitude defensive missiles for use against small-scale attacks. The nuclear warheads on the high-altitude missiles would be exploded far out in space—in an attempt to destroy both the decoys and the real enemy warheads. In this way, some defense of a much wider region, farther from each antimissile site, would be possible. The proposal is that, with enough sites, the entire United States can be protected. But this will not work if an attacker staggers his decoys and warheads in time and spreads them over a large area, or precedes them by a nuclear explosion of his own to "black out" our defending radars. High-altitude defense represents an improved approach to the problem of defense against ballistic missiles, but it is by no means a solution.

The basic technical fact about an ABM defense is that a sophisticated opponent can overcome any defense currently possible. Offense has all of the advantages; any defense system can be overpowered.

Today, the nuclear powers rely on the deterrent effect of their offensive missiles to keep the peace. A powerful incentive, therefore, exists for either side to increase its offensive-missile forces the moment the other starts to build an ABM system.

The Russians appear to be building a simple ABM defense around Moscow, and possibly other areas, though it is yet unclear that they have decided on a full-scale, antimissile defense system. In response, the United States has taken steps to add decoys and multiple warheads to its own offensive-missile force. These actions on our part are

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still quite limited, but the steps we have already taken, especially the introduction of multiple warheads on each missile to overwhelm possible Soviet defenses, will greatly increase the number of missile warheads in our inventory. The Russians appear to have been taking similar steps in anticipation of a U.S. decision to build an ABM system. An ABM system in the U.S. will stimulate the Soviets to increase the number of their offensive warheads.

The United States is earnestly seeking some agreement with the Soviet Union to limit the deployment of ABM systems and missiles, in order to forestall a new spiral in the arms race. Unofficial conversations have been held with individual Russians, but we have not succeeded in getting discussions started at an official government level. In Glassboro, President Johnson repeated to Mr. Kosygin our willingness to explore the problem. The Soviet Union does not seem ready to discuss such questions—yet. But there is no need for us to rush into an ABM deployment.

There is little relation between a Russian decision to deploy an ABM system (if, indeed, they have made a decision for more than an experimental system) and such a decision here. Our security would be seriously endangered if the Russians installed an effective ABM defense that could prevent our missile force from reaching their territory and if they simultaneously developed an effective defense against our Strategic Air Force bombers—something they have not been able to do so far. Since it is obvious folly for us to build a defense against missiles while we also are so vulnerable to a bomber attack, the Pentagon has quietly decided to spend four billion more dollars improving our air-defense system.

I do not believe that a really effective anti-missile system is remotely possible for either the U.S. or the Russians. And even if the Russians could develop one, and a truly effective defense against our SAC bombers as well, our installing an ABM system would not restore our powers of deterrence. Only improvements in our own offensive-missile force, including "penetration aids" such as decoys and electronic jammers to ensure that our missiles could get through the Russian defense, could achieve this. This is our Defense Department's basic strategy.

The United States has embarked on a large, expensive program of outfitting ballistic missiles with multiple warheads and other devices to penetrate Russian defenses. We have also started a \$2 billion program to replace our submarine-based Polaris missiles with the larger Poseidon missiles, which can carry more and better penetration aids. As long as we continue to improve our missile forces and maintain our B-52 bomber force, our deterrent power will remain effective. An ABM system is not required to preserve the power and the effectiveness of our deterrents.

We should build an ABM system only if it gives us greater security. And in deciding this, we must assume that the Russians will respond to our ABM system by upgrading and enlarging their missile force—just as we are doing in response to their ABM activities. If the Russians were to do this, an American ABM system would leave us with less security and more vulnerable to destruction.

Secretary McNamara and many proponents of an ABM system concede that an anti-Soviet ABM defense would not be worth the huge expense, because the Russians could nullify its effectiveness at considerably lower cost to themselves. So the proponents now argue: We can at least provide ourselves with protection against Red China at a more modest cost and without starting a new Russian-American arms spiral. Is this so? Again, I think not.

An ABM system would grant us some protection against China's missiles during the early years of its missile buildup; but this protection would not be complete, and it

would be short-lived, certainly, much shorter than 15 years. Once the Chinese can build intercontinental missiles, the cost to them of producing additional missiles would be relatively small (perhaps \$5 to \$10 million per missile). Within a short time, they would have enough missiles (say, 50 to 100 to penetrate our "anti-Chinese" ABM system).

The Chinese would certainly build penetration aids into their missile force. The techniques of designing such aids are neither highly complex nor exceedingly costly (one can learn all about them in American aerospace journals). I do not believe, therefore, that an ABM system will give us either complete or lasting protection against Chinese missiles. I am convinced we must rely instead on the offensive deterrent, as we must with the Russians: that is, we must rely on our known ability to retaliate devastatingly in case of a nuclear attack. Ten percent of our SAC bomber force could kill 200 million Chinese.

I am very skeptical that any ABM system based on the present approach will ever work at its calculated effectiveness. No one has ever succeeded in developing an antiaircraft defense that is as much as ten percent effective (three percent is a more common actual effectiveness). An ABM system that was only this effective would be almost worthless. Even if an ABM system were as much as 90 percent effective, it could still not prevent an opponent from inflicting millions of fatalities on us.

Besides, whenever an ABM system might be installed, how could a realistic test be made? We could not fire missiles at it (it would be located within the continental United States), and from hard experience during World War II, we know that far simpler devices (such as submarine torpedoes) fail to work the first time. I realize that a model system is being tested on Kwajalein, but these tests are under laboratory conditions and cannot simulate a nationwide installation manned by GI's and technicians. Even if we were willing to fire missiles at the system, the test would not be completely realistic, for we would be testing against our missiles, not enemy warheads. Few competent people expect the extremely complex ABM system to work the first time: yet it must to have any effect!

There will always remain a big chance that even if the system is working as designed, it will not intercept all of the enemy missiles. They will obviously know how our ABM system works; we will know little about their offensive weapons. Imagine the advantage a football team would have if it knew precisely its opponents' defense on every play. Remember that if a single enemy nuclear weapon leaks through the defense to a city, the city will be destroyed.

Besides, the Chinese could bypass our ABM system completely—either with low-altitude missiles launched from submarines or with aircraft, which, surprisingly enough, are more difficult to intercept than intercontinental ballistic missiles because they come in at relatively low altitude and do not follow predictable projectors the way a missile does. We simply cannot rely upon an ABM system to give us a sure defense against a Chinese attack.

Many people also fear that the deterrent power on which we rely against the Soviet Union will not be effective against China. The exceptional anxiety expressed each time the Chinese carry out a nuclear test seems related not to their military potential but to our view of them as irrational or unstable. This anxiety rises more from Chinese rhetoric than Chinese actions. Although the words of China's leaders have been inflammatory in the extreme, in action, they have been exceedingly cautious.

China's actual military capacity is, most likely for decades to come, hardly comparable to that of either the United States or the

Soviet Union. The Chinese have an extremely limited industrial capacity (until now, they have produced no aircraft of their own!). They also lack the broad base of technically trained manpower that is absolutely necessary for a modern military establishment. Nonetheless, they have made remarkable progress in developing nuclear weaponry. They took less time than any of the other nuclear powers to carry out a thermonuclear explosion. In this, they received considerable help from the Soviet Union. In the late 1950's, as well as a good deal of technological information from open sources and their own intelligence network. And they do appear to be making progress on missiles capable of carrying nuclear weapons. Apparently, they launched one of their nuclear weapons on a short-range missile. Though we have no evidence of a Chinese long-range ballistic missile, we know that their resources are adequate to develop one and, I believe, produce it in moderate numbers (100-200) in less than a decade.

During the late 1950's, many statements by Chinese leaders minimized the importance of nuclear weapons, arguing that they did not really change the relative power balance. We heard boasts that China alone among the great powers would be able to survive a nuclear war. All this has changed. The Chinese now renounce any intention of being the first to use their nuclear weapons, and they show every sign of a growing sophistication in nuclear matter, which is to be expected as they acquire knowledge of the terrible effects of nuclear explosions.

It is China's neighbors, not we, who would be most directly threatened by any Chinese missile force, and an ABM system in the U.S. would be of little help to them. We could not deploy an ABM system in India and Japan; they are too close to China to permit the system to work effectively. What, then, must the leaders and people of Japan and India think as we make plans to hide under an ABM umbrella while they have no way to defend themselves? If the United States is so fearful of China that it must create an ABM defense, should not Japan and India conclude that it is time for them to make their peace with the Chinese? There is no easier way for us to build up China in Asian eyes. No Asian can afford to believe that we are prepared to lose New York to counter a Chinese nuclear attack against them. Some Indian officials are already asking for a missile-defense system.

Can we build a limited ABM system to protect us against China without stimulating the Soviet Union to respond with an offensive-force buildup of its own? I think not. Just as we are enlarging our missile forces because we cannot wait to see whether the Soviet Union is building a limited or an extensive ABM system, so the Russians could not wait to see whether our system would be a limited one before embarking on an offensive-missile buildup. Even if, as the President proposes, we build a thin ABM system, it would be unlikely to remain small; pressures from the military and industrial establishment to improve—and expand—it would be irresistible. Most military planners expect the system to expand rapidly, and in fact do not consider the initial system to be of much use. This is the reality of the President's decision. I am convinced that once we decide to take the ABM route, we cannot avoid an enlarged arms race.

Three other consequences of the President's decision are not generally appreciated. First, an expanded ABM system will be needed eventually to cope with decoys and multiple warheads. It will almost certainly raise the issue of fallout shelters to protect the population both from Russian nuclear weapons and our own protective system.

Secondly, no one has bothered to mention the several hundred million dollars a year that it will cost to maintain and operate even

this thin system or the billions of dollars it would take to run the final one.

Finally, our only substantial arms limitation accomplishment, the limited test ban treaty, is likely to be a victim of this step-up in the arms race. The developers of the ABM system will soon be telling us that they cannot assure its effectiveness without nuclear tests in the atmosphere. The pressure on the President to renounce the treaty in the interest of national security and protecting our multi-billion-dollar investment will be overwhelming.

The United States and Russia are learning to work together to create a more rational world order. Gone are those deep fears of a surprise attack that dominated the 1950's. The best hope for the future lies in joint efforts by the Soviet Union and the United States to eliminate the arms race. Such efforts will be impossible if each side is forced to offset the defensive and offensive buildup of the other.

Under the present circumstances, we are going to have to accept and live with a "deterrent balance." We have done it with the Russians. We will have to with the Chinese. There just is no way to avoid this; there is no magical or technical escape from the dilemmas of the nuclear age through defense. A sensible course would be to reduce greatly the offensive-missile forces on both sides, achieving the deterrence with much less danger to all of us.

Like most other scientists who have studied its problems, I am convinced that much mutually coordinated disarmament is technically achievable with considerably less risk, effort and cost than is involved in our current deterrent position. The blocks to disarmament are political and psychological, not technical. Unfortunately, disarmament has no effective political support, no vested interests backing it, and no power base in the Government bureaucracy or in the Congress. Some of the same senators who have been pressing the President to spend tens of billions of dollars on defense against a missile attack have consistently tried to cut the tiny budget of the Arms Control and Disarmament Agency. Substantial balanced disarmament is sensible, safe and technically achievable, and even partial disarmament would release many tens of billions of dollars for constructive uses. But it is not coming very fast. Until statesmen take disarmament efforts seriously and fashion international security arrangements more appropriate to nuclear age we all live in, the best we can hope for is an increasingly nightmarish peace insured by only a balance of terror.

A real defense against nuclear-armed missiles is a mirage. Our only real security lies in peace itself. Nuclear weapons are just too potent for effective defense. The best defense is to prevent a nuclear war.

(Mr. COHELAN (at the request of Mr. CONYERS) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

[Mr. COHELAN'S remarks will appear hereafter in the Appendix.]

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#### DOMESTIC SPENDING CUTS

(Mr. ADAMS (at the request of Mr. CONYERS) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ADAMS. Mr. Speaker, in a year of national doubt and frustration, few accolades have been wasted on the U.S. Congress. The 90th Congress in fact has been subject to heavy shelling not only from the far left and right, but also from worried citizens in the mainstream who quite reasonably want action from their representatives on our torturous urban problems and the enigmatic and costly Vietnam conflict. Indeed, it is difficult for them to understand why in this trying period Congress carries on with "business as usual," seemingly unable to deal with the domestic and international crises which face the Nation. Why? Consider the facts.

The first hard fact is that in the 90th Congress the Democratic majority is a fiction. Unlike the 89th which produced medicare, Federal aid to education, and nearly a score of other vital social programs, this Congress is once again dominated by the Southern Democratic-Republican alliance which historically has stymied urban legislation.

For example, the conservative coalition recently found it necessary to make substantial cuts in the budget of the Department of Health, Education, and Welfare. During the same year the same House of Representatives increased funds for cotton payments and subsidies by some \$500 million, and the Commodity Credit Corporation's budget items were increased by nearly \$1 billion. The lamentable fact here demonstrated is that in 1967 when more than 70 percent of the American people live in cities, spending on rural programs enjoys the highest congressional priority.

Mr. Speaker, the first hard fact suggests a second. It is that in the House, traditional programs such as agriculture and public works are supported by majorities built into the committees controlling them, whereas the new urban programs are not. In other words, each committee of Congress tends to protect and perpetuate its own programs. In the older and more powerful committees, continued support is assured by appointing sympathetic members to fill vacancies. The same does not hold true for committees which deal with new urban problems and are less a part of the establishment.

These hard facts have become insurmountable problems in the context of

this year's budget. The Vietnam war is costing nearly \$30 billion per year over and above the regular defense budget. It is creating an enormous deficit which makes money scarce for all other programs. With the conservatives in control of the House and old-fashioned established programs enjoying built-in support, the new programs designed to cope with the problems of modern America have become primary targets for the budgetary ax.

What is evident to many Americans is that Congress does not have a valid set of spending priorities. We are going to have to develop a true set of priorities to meet the challenges of today.

Mr. Speaker, the opponents of the Federal domestic program have made a practice of building a high cost figure for "domestic spending" by lumping in many items not truly classifiable as "domestic." For the sake of strengthening their arguments about high "domestic spending," they will include veterans' benefits, the space program, foreign aid, atomic energy, and interest on the national debt—which is almost 100 percent, due to budget deficits caused by high levels of defense spending. Under this, only the Department of Defense and Vietnam spending is classed as non-domestic. However, when actual budget cutting is carried out, most of the above "programs" are excluded from the cuts.

For example, the fiscal 1968 spending for defense purposes includes the \$69.936 billion in the Defense appropriation bill and \$2.093 billion in the military construction appropriation bill. If we add in \$2.509 billion for atomic energy purposes from the public works-atomic energy appropriation bill, we reach a total of \$74.539 billion. If we then add in the \$6.1 billion for veterans' benefits—to pay our debt to the ex-servicemen from past and present wars—plus \$14.1 billion interest on the national debt, plus \$4.59 billion for the space program, plus about \$3.5 billion for foreign aid and operation of the State Department and U.S. Information Agency, we reach a total of about \$103 billion in items which are not touched.

The fiscal 1968 budget total will be about \$133 billion, and after excluding the above listed \$103 billion we have left only \$30 billion, or 22 percent, in the "domestic" category to be cut. In the HEW and HUD budgets, for example, the administration reduced the budget below the 89th Congress authorizations and the House further cut this so \$4.265 billion, or a reduction of 23 percent, occurred early in the consideration of these items. Further cuts are now proposed in this limited \$30 billion area in programs where the Nation can least afford to cut any more—from urban programs of all types—education, conservation, and even from health programs.

All of this, Mr. Speaker, is being done despite our ever-growing population and its rapid concentration in the cities. It is evident to me and to many other Americans that the Congress does not have a modern, valid set of spending priorities. We must face the true realities of our budget and develop a set of priorities to meet today's conditions—and tomorrow's. If spending is to be cut, the whole budget must be examined, because major savings cannot be made by